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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee on
Economic, Social and Cultural Rights

ISRAEL

1. The Committee considered the initial report of Israel on the implementation of the Covenant (E/1990/5/Add.39), together with the written replies to the list of issues, at its 31st to 33rd meetings, held on 17 and 18 November 1998, and adopted 1/ the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the initial report which generally conforms to its guidelines on the preparation of reports. The Committee regrets, however, the delay in the submission of the report.

3. The Committee expresses appreciation for the presentation of the State's representatives and the additional information they provided during the dialogue. The Committee also takes note of the extensive information submitted to it by a large number of non-governmental organizations which was available to the Committee for its dialogue with the State party.

1/ At its 53rd meeting (nineteenth session) held on 2 December 1998.

B. Positive factors

4. The Committee welcomes the enactment in 1995 of the National Health Insurance Law which provides for primary health care and ensures equal and adequate health services for each citizen and permanent resident of Israel. The Committee also welcomes the amendment in 1996 of the same law to enable housewives to receive the minimum old-age pension while remaining exempt from contributions.

5. The Committee welcomes the recent establishment of the Authority for the Advancement of the Status of Women which is vested with advisory powers with respect to policies to promote gender equality, eliminate discrimination against women and prevent domestic violence against women.

6. The Committee takes note of the statement by State party's representatives that with respect to the Covenant's applicability in the occupied territories, Israel accepts direct responsibility in some areas covered by the Covenant, indirect responsibility in other areas and overall significant legal responsibility across the board. This conforms to the Committee's view that the Covenant applies to all areas where Israel maintains geographical, functional or personal jurisdiction.

C. Factors and difficulties affecting the implementation of the Covenant

7. The Committee notes that Israel's emphasis on its security concerns, including its policies on closures, has hampered the realization of economic, social and cultural rights within Israel and the occupied territories.

D. Principal subjects of concern

Land and people

8. The Committee notes with concern that the Government's written and oral reports included statistics indicating the enjoyment of the rights enshrined in the Covenant by Israeli settlers in the occupied territories but that the Palestinian population within the same jurisdictional areas were excluded from both the report and the protection of the Covenant. The Committee is of the view that the State's obligations under the Covenant apply to all territories and populations under its effective control. The Committee therefore regrets that the State party was not prepared to provide adequate information in relation to the occupied territories.

Status of the Covenant

9. The Committee notes that economic, social and cultural rights have not been granted constitutional recognition in Israel's legal system. The Committee is of the view that the current Draft Basic Law: Social Rights does not meet the requirements of Israel's obligations under the Covenant.

Discrimination

10. The Committee expresses concern that excessive emphasis upon the State as a "Jewish State" encourages discrimination and accords a second-class status to its non-Jewish citizens. The Committee notes with concern that the Government of Israel does not accord equal rights to its Arab citizens, although they comprise over 19 per cent of the total population. This discriminatory attitude is apparent in the lower standard of living of Israeli Arabs as a result, inter alia, of lack of access to housing, water, electricity and health care and their lower level of education. The Committee also notes with concern that despite the fact that the Arabic language has official status in law, it is not given equal importance in practice.

11. The Committee notes with grave concern that the Status Law of 1952 authorizes the World Zionist Organization/Jewish Agency and its subsidiaries, including the Jewish National Fund, to control most of the land in Israel, since these institutions are chartered to benefit Jews exclusively. Despite the fact that the institutions are chartered under private law, the State of Israel nevertheless has a decisive influence on their policies and thus remains responsible for their activities. A State party cannot divest itself of its obligations under the Covenant by privatizing governmental functions. The Committee takes the view that large-scale and systematic confiscation of Palestinian land and property by the State and the transfer of that property to these agencies constitute an institutionalized form of discrimination because these agencies by definition would deny the use of these properties to non-Jews. Thus, these practices constitute a breach of Israel's obligations under the Covenant.

12. The Committee notes with deep concern the situation of the Jahalin Bedouin families who were forcibly evicted from their ancestral lands to make way for the expansion of the Ma'aleh Adumim and Kedar settlements. The Committee deplores the manner in which the Government of Israel has housed these families - in steel container vans in a garbage dump in Abu Dis in subhuman living conditions. The Committee regrets that instead of providing assurances that this matter will be resolved, the State party has insisted that it can only be solved through litigation.

13. The Committee notes with concern that the Law of Return, which allows any Jew from anywhere in the world to immigrate and thereby virtually automatically enjoy residence and obtain citizenship in Israel, discriminates against Palestinians in the diaspora upon whom the Government of Israel has imposed restrictive requirements which make it almost impossible to return to their land of birth.

Employment

14. The Committee notes with concern the rapid growth of unemployment in Israel as a result of which more and more workers are employed in low-paying part-time work where they have little or no legal protection.

15. The Committee notes with regret that more than 72 per cent of persons with disabilities are unemployed. The new Law of Equality for People with Disabilities 1998 has not set any quota for the employment of such persons.

16. The Committee is alarmed that only half of the workers entitled to the minimum wage actually get it, and that foreign workers, Palestinians and "manpower contractor" workers are particularly vulnerable in this regard.

Closure

17. The Committee regrets that the Government of Israel has maintained "general closures" continuously since 1993, thereby restricting and controlling the movement of people and goods between Israel and the West Bank and the Gaza Strip, between Jerusalem and the West Bank and between the West Bank and the Gaza Strip. The Committee notes with concern that these restrictions apply only to Palestinians and not to Jewish Israeli citizens. The Committee is of the view that closures have cut off Palestinians from their own land and resources, resulting in widespread violations of their economic, social and cultural rights, including in particular those contained in article 1 (2) of the Covenant.

18. The Committee notes with grave concern the severe consequences of closure on the Palestinian population. Closures have prevented access to health care, first and foremost during medical emergencies, which at times have tragically ended in death at checkpoints and elsewhere. Workers from the occupied territories are prevented from reaching their workplaces, depriving them of income and livelihood and the enjoyment of their rights under the Covenant. Poverty and lack of food aggravated by closures particularly affect children, pregnant women and the elderly who are most vulnerable to malnutrition.

19. The Committee is concerned at the forcible separation of Palestinian families because of closures and the refusal of Israeli authorities to allow students in Gaza to return to their universities in the West Bank.

Permanent residency law

20. The Committee expresses its concern at the effect of the directive of the Ministry of the Interior, according to which Palestinians may lose their right to live in the city if they cannot prove that East Jerusalem has been their "centre of life" for the past seven years. The Committee also regrets a serious lack of transparency in the application of the directive, as indicated by numerous reports. The Committee notes with concern that this policy is being applied retroactively both to Palestinians who live abroad and to those who live in the West Bank or in nearby Jerusalem suburbs, but not to Israeli Jews or to foreign Jews who are permanent residents of East Jerusalem. This system has resulted in, inter alia, the separation of Arab families and the denial of their right to social services and health care, including maternity care for Arab women, which are privileges linked to residency status in Jerusalem. The Committee is deeply concerned that the implementation of a quota system for the reunification of Palestinian families affected by this residency law involves long delays and does not meet the needs of all divided families. Similarly, the granting of residency status is often a long process and, as a result, many children are separated from at least one of their parents and spouses are not able to live together.

Land use and housing

21. The Committee is deeply concerned about the adverse impact of the growing exclusion faced by Palestinians in East Jerusalem from the enjoyment of their economic, social and cultural rights. The Committee is also concerned over the continued Israeli policies of building settlements to expand the boundaries of East Jerusalem and of transferring Jewish residents into East Jerusalem with the result that they now outnumber the Palestinian residents.

22. The Committee deplores the continuing practices of the Government of Israel of home demolitions, land confiscations and restrictions on family reunification and residency rights, and its adoption of policies which result in substandard housing and living conditions, including extreme overcrowding and lack of services, of Palestinians in East Jerusalem, in particular in the old city.

23. The Committee notes with concern the situation of Arab neighbourhoods in mixed cities such as Jaffa and Lod which have deteriorated into virtual slums because of Israel's excessively restrictive system of granting government permits without which it is illegal to undertake any kind of structural repair or renovation.

24. The Committee notes that despite State party's obligation under article 11 of the Covenant, the Government of Israel continues to expropriate Palestinian lands and resources for the expansion of Israeli settlements. Thousands of dunams (hectares) of land in the West Bank have recently been confiscated to build 20 new bypass roads which cut West Bank towns off from outlying villages and farmlands. The consequence - if not the motivation - is the fragmentation and isolation of the Palestinian communities and facilitation of the expansion of illegal settlements. The Committee also notes with concern that while the Government annually diverts millions of cubic metres of water from the West Bank's Eastern Aquifer Basin, the annual per capita consumption allocation for Palestinians is only 125 cubic metres while settlers are allocated 1,000 cubic metres per capita.

25. The Committee expresses its concern over the plight of an estimated 200,000 uprooted "present absentees", Palestinian Arab citizens of Israel most of whom were forced to leave their villages during the 1948 war on the understanding that they would be allowed by the Government of Israel to return after the war. Although a few have been given back their property, the vast majority continue to be displaced and dispossessed within the State because their lands were confiscated and not returned to them.

Unrecognized villages

26. The Committee notes with deep concern that a significant proportion of Palestinian Arab citizens of Israel continue to live in unrecognized villages without access to water, electricity, sanitation and roads. Such an existence has caused extreme difficulties for the villagers in regard to their access to health care, education and employment opportunities. In addition, these villagers are continuously threatened with demolition of their home and confiscation of their land. The Committee regrets the inordinate delay in the

provision of essential services to even the few villages that have been recognized. In this connection, the Committee takes note that while Jewish settlements are constructed on a regular basis, no new Arab villages have been built in the Galilee.

27. The Committee regrets that the Regional Master Plan for the Northern District of Israel and the Plan for the Negev have projected a future where there is little place for Arab citizens of Israel whose needs arising from natural demographic growth are largely ignored.

28. The Committee expresses its grave concern about the situation of the Bedouin Palestinians settled in Israel. The number of Bedouins living below the poverty line, their living and housing conditions, their levels of malnutrition, unemployment and infant mortality are all significantly higher than the national averages. They have no access to water, electricity and sanitation and are subjected on a regular basis to land confiscations, house demolitions, fines for building "illegally", destruction of agricultural fields and trees, and systematic harassment and persecution by the Green Patrol. The Committee notes in particular that the Government's policy of settling Bedouins in seven "townships" has caused high levels of unemployment and loss of livelihood.

Other concerns

29. The Committee notes with regret the large gaps within the Israeli educational system. Dropout rates are higher and eligibility for matriculation certificates is lower within certain segments of society: Arabs and Jews in poor neighbourhoods and in development towns, where many of the residents are Jews of Asian and African origin, including Ethiopian Jews. The Committee is particularly concerned about the gap in educational expenditure per capita for the Arab sector which is substantially less than for the Jewish sector.

30. The Committee notes with concern that the recently adopted Arrangements Law has the effect of eroding the principles of universality and equality set out in the National Health Insurance Law. The Arrangements Law imposes payments for medical services in addition to the health tax; a periodic health tax links the amount of tax required to the amount of health services needed, thereby increasing inequality in health care. In spite of assurances that the Knesset sets a cap on such taxes, the Committee is concerned that this provision does not conform to the Government's avowed commitment to an equitable health-care system.

31. The Committee notes with grave concern the high incidence of domestic violence against women which is estimated at 200,000 cases per year. The Committee is concerned about the situation of non-Jewish women who are reportedly worse off in terms of living conditions, health and education. The Committee is concerned at persistent reports that the Dimona nuclear plant could pose a serious threat to the right to health and to the environment unless urgent preventive measures are undertaken.

E. Suggestions and recommendations

32. The Committee requests the State party to provide additional information on the realization of economic, social and cultural rights in the occupied territories, in order to complete the State party's initial report and thereby ensure full compliance with its reporting obligations. Detailed information, including the latest statistical data, is also requested on the progressive realization of economic, social and cultural rights in East Jerusalem, keeping in mind the concerns raised by the Committee in the relevant paragraphs of these concluding observations. In addition, the Committee also requests updated information on the target dates for recognizing unrecognized villages and a plan for the delivery of basic services, including water, electricity, access roads, health care and primary education, to which the villagers are entitled as citizens of Israel. The Committee requests that the additional information also include an update of the Outline Plan of Ein Hod and on progress in the recognition of Arab El-Na'im, as well as an update on the Jahalin Bedouins who are presently camped in Abu Dis awaiting a court decision on their resettlement. The Committee requests the submission of the detailed additional information in this respect in time for the twenty-third session of the Committee in November-December 2000.

33. The Committee calls upon the State party to undertake the necessary steps to ensure the full legal application of the Covenant within the domestic legal order.

34. The Committee calls upon the State party to ensure equality of treatment of all Israeli citizens in relation to all Covenant rights.

35. The Committee urges the State party to review the status of its relationship with the World Zionist Organization/Jewish Agency and its subsidiaries, including the Jewish National Fund, with a view to remedying the problems identified in paragraph 11 above.

36. In order to ensure respect of article 1 (2) of the Covenant and to ensure equality of treatment and non-discrimination, the Committee strongly recommends a review of re-entry policies for Palestinians who wish to re-establish their domicile in their homeland, with a view to bringing such policies level with the Law of Return as applied to Jews.

37. The Committee calls upon the State party to take all necessary steps to reduce unemployment and to ensure proper enforcement of Israel's protective labour legislation, including assigning additional personnel to enforce such legislation. Special attention should be accorded to enforcing the Minimum Wage Law, the Equal Pay for Men and Women Law, and the Equal Opportunities in Employment Law.

38. The Committee calls upon the State party to complete the process of implementing the Law of Equality for People with Disabilities and to address the problem of accessibility to public buildings, including schools, and public transportation by persons with disabilities.

39. The Committee urges the State party to respect the right to self-determination as recognized in article 1 (2) of the Covenant, which provides that "in no way may a people be deprived of its own means of subsistence". Closure restricts the movement of people and goods, cutting off access to external markets and to income derived from employment and livelihood. The Committee also calls upon the Government to give full effect to its obligations under the Covenant and, as a matter of the highest priority, to undertake to ensure safe passage at checkpoints for Palestinian medical staff and people seeking treatment, the unhampered flow of essential foodstuffs and supplies, the safe conduct of students and teachers to and from schools, and the reunification of families separated by closures.

40. The Committee calls upon the State party to reassess its Permanent Residency Law with a view to ensuring that its implementation does not result in impeding the enjoyment of economic, social and cultural rights by Palestinians in East Jerusalem. In particular, the Committee urges the State party to remove the quota system currently in place so that families separated by residency rules can be reunited without delay.

41. The Committee calls upon the State party to cease the practices of facilitating the building of illegal settlements and constructing bypass roads, expropriating land, water and resources, demolishing houses and arbitrary evictions. The Committee urges the State party immediately to take steps to respect and implement the right to an adequate standard of living, including housing, of the Palestinian residents of East Jerusalem and the Palestinian Arabs in the mixed cities. The Committee strongly recommends equal access to housing and settlement on State land for the "present absentees" who are citizens of Israel. The Committee recalls in this connection its General Comment No. 4.

42. The Committee urges the State party to recognize the existing Arab Bedouin villages, the land rights of the inhabitants and their right to basic services, including water.

43. The Committee calls upon the State party to undertake measures addressing the inequalities in the educational system at the secondary and university levels, particularly in terms of budget allocations. The Committee recommends that a study be made of the viability of establishing an Arab university within Israel for the purpose of ensuring equal opportunities and access to higher education in the respective official languages.

44. The Committee urges the State party to adopt effective measures to combat domestic violence against women and to promote equal treatment of women in the field of employment, including in the Government and in education and health.

45. The Committee requests the State party to ensure the wide dissemination in Israel of these concluding observations.

46. The Committee reiterates that the additional information requested in these concluding observations should be submitted in time for the twenty-third session of the Committee in November-December 2000.

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COMMITTEE ON ECONOMIC, SOCIAL
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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee on
Economic, Social and Cultural Rights

CYPRUS

1. The Committee considered the third periodic report of Cyprus on the implementation of the Covenant (E/1994/104/Add.12), along with the written replies to the list of questions, at its 34th, 35th and 36th meetings, held on 18 and 19 November 1998, and adopted* the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the third periodic report of Cyprus (E/1994/104/Add.12), which it found to conform generally to its guidelines on the preparation of reports. The Committee also expresses appreciation for the submission of comprehensive written replies to its list of issues, as well as for the additional information presented by the delegation during the dialogue. It regrets, however, that the report did not contain sufficient information on obstacles and problems faced in the implementation of the Covenant.

B. Positive aspects

3. The Committee welcomes the status accorded to international legal instruments, including the Covenant, in the legal order and appreciates the fact that they are superior to national law in the legal hierarchy. It notes that the provisions of the Covenant can be invoked directly by individuals before the courts.

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* At the 55th meeting (nineteenth session), held on 3 December 1998.

4. The Committee commends the efforts of the Government in continuing to provide services, such as electricity supply and payment of pension benefits, to the population living in the part of the island that it does not control.

5. The Committee welcomes the recent establishment of the National Institution for Human Rights, as an independent body consisting of members appointed from the public and private sectors. The Committee notes, however, that the Institution has not been formally promulgated in law and that its independence has not been guaranteed.

6. The Committee takes note, with satisfaction, of the efforts to include human rights in school and university curricula, as well as the activities being carried out in the country to commemorate the fiftieth anniversary of the Universal Declaration of Human Rights.

7. The Committee welcomes the abrogation of the provisions of the Penal Code criminalizing homosexual acts.

8. The Committee also takes note with satisfaction of the delegation's statement that the report has been widely publicized among governmental and non-governmental bodies.

9. The Committee welcomes the appointment of an advisory committee for the purpose of preventing violence in the family and for providing subsidies to the non-governmental organization "Association for the Prevention and Confrontation of Domestic Violence".

C. Factors and difficulties impeding the implementation of the Covenant

10. The continuing partition of Cyprus hinders the ability of the State Party to exercise control over its entire territory and, consequently, to ensure the implementation of the Covenant throughout the country.

D. Principal subjects of concern

11. The Committee is concerned that no information is available on the enjoyment of economic, social and cultural rights by the Cypriot population living in the area that is not controlled by the Government.

12. The Committee is concerned at the continued existence of discrimination between men and women, including inequalities in, among other things, professional opportunities, wages and salaries for work of equal value (especially in the private sector), protection under social security, the transmission of nationality to children and the conferment of refugee status on children (only children of displaced men are so treated). This appears to be caused by structural and cultural factors.

13. Domestic workers enjoy little protection against being forced to work unduly long hours. The State Party appears not to provide adequate protection against repressive and exploitative measures directed at prostitutes. Such

persons are particularly vulnerable because of their fear of retribution from their employers. Moreover, the Committee notes the tendency of the State Party to underestimate the problems.

14. The Committee notes with concern that the legal minimum wage does not guarantee an adequate standard of living in the sense of articles 7 (a) (ii) and 11 of the Covenant, especially with regard to shop assistants, nurses, clerks, nursery assistants, etc.

15. The Committee expresses its serious concern at the incidence of domestic violence against women and children in Cypriot society. The continuation of this situation calls into question whether the State party has made its best efforts to comply with its obligations under articles 10 and 12 of the Covenant. In particular, the Government appears to have failed to adopt an adequate prevention policy, to enforce fully the existing legislative measures to combat violence in the family and to assist victims of such violence.

16. The Committee is alarmed by the allegations of inhuman or degrading treatment of mentally ill patients in some health institutions. It stresses that such a situation constitutes a serious violation of the State Party's obligations under articles 2 and 12.

17. The Committee further notes that there are many bills and other measures concerning economic, social and cultural rights which are awaiting Parliamentary or Cabinet approval, or implementation by other official bodies, and calls upon the State Party to speed the process up in order to meet obligations existing under the Covenant.

E. Suggestions and recommendations

18. The Committee recommends that the recently established National Institution for Human Rights be promptly promulgated in law and that its independence be guaranteed.

19. The Committee recommends that the State Party intensify its efforts to guarantee the equal enjoyment by men and women of their economic, social and cultural rights, in particular:

(a) By engaging in a large-scale public awareness campaign to eradicate social prejudices concerning gender roles;

(b) By taking all necessary steps to guarantee fully the principle of equal pay for work of equal value, in particular in the private sector of the economy;

(c) By promulgating the draft regulations concerning the employment and working conditions of pregnant women and nursing mothers and ensuring that they comply with the Covenant;

(d) By abrogating the discriminatory provisions of the social security legislation;

(e) By enacting the bill aimed at abolishing discrimination in the acquisition and transmission of nationality.

20. The Committee urges the State Party to take all the necessary steps to improve understanding of the nature and scope of the problems faced by domestic workers, with a view to implementing fully existing laws. The Committee emphasizes the necessity:

(a) To initiate campaigns to raise awareness of this issue among trade unions, women's organizations and communities in Cyprus to which the domestic workers belong;

(b) To improve the system of complaints concerning abuse, with a view to protecting fully the rights of complainants.

21. The Committee also urges the State Party to monitor more closely the phenomenon of forced prostitution in Cyprus, with a view to rescuing victims who are trapped or forced into it and to protecting their rights under the Covenant.

22. The Committee recommends that the State Party endeavour to take steps to review the existing minimum wage level, in order fully to comply with its obligations under article 11 of the Covenant.

23. The Committee recommends that the State Party adopt an appropriate policy to prevent and tackle the problem of domestic violence against women and children in all its complexity and requests that the next periodic report contain information on measures adopted to deal with it. In this connection, the Committee urges the State Party to financially assist the non-governmental organization "Association for the Prevention and Confrontation of Domestic Violence" to set up, as soon as possible, its proposed women's shelter.

24. While taking note of the delegation's statement that the situation as regards the treatment of mentally-ill people "has improved dramatically", the Committee emphasizes the need for the State Party to review thoroughly its health policy towards those patients in order best to address all their needs and protect all their human rights.

25. The Committee requests the State party to include in its next periodic report comprehensive information on the extent of drug-addiction in Cyprus and to indicate whether the bill on narcotic drugs and psychotropic substances now before Parliament has been passed into law, and also to assess the workings of the anti-narcotic/therapeutic units proposed under the bill, when it has passed into law.

26. The Committee recommends that bills and proposed regulations should be speedily submitted for Parliamentary or Cabinet approval, in order to enhance effective application of the Covenant. Such bills and proposals include:

(a) The proposed law relating to marriage, divorce and family courts;

(b) A bill to regulate the rights of asylum seekers;

(c) A bill to amend the relevant law with respect to the nationality of a child born to a Cypriot woman;

(d) A draft law to regulate the right to strike, to ensure that it conforms fully with ILO Convention No. 87;

(e) A bill entitled "National Health System" which has been before the Cabinet for approval since 1996.

27. Lastly, the Committee requests the State Party to ensure the wide dissemination in Cyprus of the present concluding observations and to inform the Committee, in its fourth periodic report, of steps taken to implement the recommendations.

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee
on Economic, Social and Cultural Rights

Federal Republic of Germany

1. The Committee considered the third periodic report of Germany on the implementation of the Covenant (E/1994/104/Add.14), together with the written replies to the list of questions, at its 40th to 42nd meetings, held on 23 and 24 November 1998, and adopted the following concluding observations. 1/

A. Introduction

2. The Committee welcomes the submission of the third periodic report, the first report on the rights protected under the Covenant since the reunification of Germany in October 1990. The report was submitted in general conformity with the guidelines established by the Committee.

3. It notes with appreciation that the report was presented by a high-level delegation, which entertained an open and straightforward dialogue with the members of the Committee. The delegation pointed out at the outset that the new Government of Chancellor Schröder had a different agenda from that of the former Government on a wide range of socio-economic issues, and that it accorded high priority to job creation.

1/ At its 54th meeting, held on 2 December 1998.

4. The Committee notes that the report was prepared without the involvement of non-governmental organizations. Their contributions were nevertheless valuable to the Committee for the consideration of the State Party's report.

5. The Committee notes that some of the replies given to questions raised in the following areas lacked precision and detail:

Unemployment in the new Länder;

The number of civil servants and professionals who were dismissed from their posts in East Germany after the reunification of Germany;

The number of poverty-stricken people and social security recipients;

HIV/AIDS victims, the exploitation of women and child abuse;

Pension plans.

B. Positive aspects

6. The Committee welcomes the very positive attitude demonstrated by the delegation in its introductory statements, which, together with the policy statement made by the new Chancellor, on 10 November 1998, leads the Committee to believe that the new Government intends to give added impetus to the implementation of economic, social and cultural rights.

7. In this connection, a visible shift in policy, reflected in the new policy statement, could lead to the progressive realization of economic, social and cultural rights to a fuller extent and could reduce the still-existing economic gap between the old and new Länder, to the particular benefit of the new Länder.

8. The Committee notes with satisfaction that this policy will encompass:

Education and training programmes to assist young people in general and young women in particular in finding employment, especially in the new Länder;

Modernization of the law on nationality to allow for dual nationality;

The elaboration of an action plan aimed at ensuring equal opportunities to women at work;

The promulgation of the Gender Equality Act;

The creation of school and child-care systems that reflect the needs of family life;

The introduction of bills aimed at eliminating discrimination based on ethnic origin and at prosecuting Germans for child sexual abuse they commit abroad;

The reform of the pension system based on the national insurance scheme, company pension schemes, a private pension scheme;

The participation of employees in their companies' productive capital and profits;

The reintroduction of protective measures against dismissals, as well as the payment of sickness allowances.

9. The Committee notes the creation of the post of Minister of State for Cultural Affairs, who will be responsible for implementing the federal cultural policy and for liaising with the Länder. In this connection, it notes with satisfaction that cooperation with churches and religious communities will be part of that policy, which is intended to enhance the dialogue between different religious communities and to reduce racial hatred and xenophobia.

10. The Committee takes note of the State Party's intention to establish an independent parliamentary human rights commission and to create a "human rights post" within the Foreign Ministry.

11. The Committee welcomes the fact that the State Party is open-minded concerning the elaboration of an optional protocol.

D. Factors and difficulties impeding the implementation of the Covenant

12. The integration of East and West Germany remains only partly accomplished, despite determined efforts to realize this objective. This lack of full integration presents an obstacle to the full implementation of the Covenant by the State Party.

E. Principal subjects of concern

13. The Committee expresses its concern about the status of the Covenant within the domestic legal system of Germany and at the lack of court decisions on the application of the Covenant.

14. The Committee notes that unemployment is still particularly high in Germany and that it is twice as high in the East as in the West. In this connection, the Committee notes with regret that women and foreigners are most affected by this high level of unemployment.

15. The Committee also notes that no poverty line or threshold has yet been established. Nor has the delegation of the State Party provided information about people affected by poverty.

16. The Committee also notes with alarm that only 12 per cent of public servants in the science and technology sector of the former German Democratic Republic, including teachers, scientists and professionals, have been re-employed and that the rest remain without employment or adequate compensation or a satisfactory pension plan. The Committee fears that the majority of the affected people may have been dismissed from their positions for political rather than for professional or economic reasons, in violation

of article 2.2 of the Covenant. It is noted in this connection that the issue of discrimination in the employment of teachers in the new Länder was raised in 1993 by the ILO Committee of Experts on the Application of Conventions and Recommendations. Similar concerns have been raised by German non-governmental organizations.

17. The Committee is also concerned about the status of asylum seekers in Germany, especially with regard to the length of time taken to process their application for refugee status and with regard to their economic and health rights pending the final decision.

18. The Committee is further concerned about the plight of the Sinti and Roma (Gypsies) in Germany and about their enjoyment of their rights to housing, education and employment. The continued discrimination against the Gypsies calls for immediate remedial policies and measures.

19. The Committee notes that, with few exceptions civil servants in Germany do not enjoy the right to strike, which constitutes a violation of article 8.2 of the Covenant.

20. The Committee is particularly concerned about violence against women, especially those who fall victim to marriage trafficking, trafficking for prostitution and exploitation. Statistics are lacking on the number of persons affected.

21. The Committee is alarmed at the continued abuse of children and their sexual exploitation. Widespread pornography is of particular concern as it seems to be linked with the exploitation of children and women.

22. The Committee notes with concern that tuition fees for university education are increasing, despite the fact that article 13 of the Covenant calls for the progressive introduction of free higher education.

23. The alarming number of persons affected by HIV/AIDS in the territory of the State Party also causes concern to the Committee. Lack of statistics on the subject, especially with regard to the most vulnerable groups of people residing in Germany, is of special concern.

24. The Committee also expresses its concern about the plight of homeless people, the actual number of whom is still unknown, as well as about the plight of squatters in many parts of the country, especially in the new Länder.

F. Suggestions and recommendations

25. The Committee recommends that the State Party give more prominence to the rights recognized in the Covenant whether by legislative or by judicial means and/or practices. The policy statement of the new Chancellor presents the hope that economic, social and cultural rights will be elevated to new heights. The Committee recommends, therefore, that this new policy be translated into deeds as soon as possible.

26. The Committee requests the State Party to provide in its next report more precise statistics and data regarding unemployment, especially in the new Länder, and the number and situation of poverty-stricken people and social security recipients.

27. The Committee strongly recommends that the State Party promote discussion within German society on social indicators or bench marks for the implementation of the Covenant. It also encourages the Government to continue to support the dialogue on the elaboration of an optional protocol to the Covenant in order to lend greater support to the realization of economic, social and cultural rights.

28. The Committee requests the State Party to take immediate measures, legislative or otherwise, to address and redress the situation of the various categories of asylum seekers, in accordance with General Comment No. 4 of the Committee. It also suggests that the applications of asylum seekers be processed expeditiously and that refugees be accorded health, economic and educational rights in accordance with the Covenant.

29. The Committee urges the State Party to implement the various educational programmes for young people and other vulnerable groups, especially those intended to create employment and to improve the level of employment in East Germany.

30. Pension plans and social security benefits need thorough revision to ensure gender equality and fairness among all eligible beneficiaries in all the Länder, in the East and in the West.

31. The Committee recommends that civil servants not involved in essential services be accorded the right to strike.

32. The Committee calls on the State Party to take affirmative and effective measures against trafficking in women and their exploitation for whatever purpose.

33. The Committee also calls on the State Party to take effective measures to regulate child labour, in compliance with the Covenant and the relevant ILO conventions.

34. The Committee further calls on the State Party to make increased efforts to prevent child abuse, child exploitation and child pornography.

35. The Committee urges the State Party to provide more adequate assistance to persons within HIV/AIDS, without any discrimination on the basis of race, origin, nationality or gender.

36. As an act of national reconciliation, the Committee calls on the State Party to ensure that compensation will be provided to civil servants, professionals and scientists associated with the old regime in the former German Democratic Republic and to ensure that such compensation is both adequate and fair.

37. The Committee recommends that the State Party avoid increases in university tuition fees, in compliance with article 13 of the Covenant.

38. The Committee urges the State Party to accelerate the integration of East and West Germany on all fronts, with a view to reducing the gap that may still exist between them.

39. The Committee requests the State Party to disseminate widely its concluding observations at all levels of society and to inform the Committee of steps taken for their implementation. It also urges the Government to consult with non-governmental organizations in the preparation of its fourth periodic report, as German non-governmental organizations have made a valuable contribution to making the Committee's dialogue with the State Party delegation a more fruitful and significant one.

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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee on
Economic, Social and Cultural Rights

SWITZERLAND

1. The Committee considered the initial report of Switzerland (E/1990/5/Add.33) concerning the rights covered by articles 1 to 15 of the International Covenant on Economic, Social and Cultural Rights at its 37th to 39th meetings, held on 20 and 23 November 1998, and adopted the following concluding observations. 1/

A. Introduction

2. The Committee notes that the report submitted by the State party has been prepared in accordance with the Committee's guidelines. It welcomes the presence of a large and high-level delegation from the capital and notes that the very high quality of the dialogue was enhanced by the presence of a specialist to deal with virtually every article of the Covenant.

3. The Committee greatly appreciates the Swiss delegation's frank, detailed replies to all its questions, which enabled it to gain an overall idea of the way in which Switzerland is discharging its obligations under the International Covenant on Economic, Social and Cultural Rights.

1/ At the 55th meeting (nineteenth session) on 3 December 1998.

B. Positive aspects

4. The Committee notes with satisfaction that the Covenant has begun to be accepted as an integral part of the Swiss legal system. It notes that the Swiss courts, and notably the Federal Tribunal, have already on some occasions referred to the provisions of the Covenant. In this respect, the Committee notes with satisfaction that the decisions of the Federal Tribunal seem to have remedied somewhat the shortcomings of the Federal Constitution regarding articles 9, 11 and 12 of the Covenant.

5. The Committee expresses its appreciation of the range and quality of the services provided to the population as a whole, in particular social benefits for elderly persons and the disabled.

6. The Committee notes the large number of foreigners residing in the State party and welcomes the measures taken by the authorities to ensure the enjoyment of their economic, social and cultural rights.

7. The Committee also notes the efforts made by the Government of Switzerland to integrate foreign workers and their families.

C. Factors and difficulties impeding the implementation of the Covenant

8. The Committee notes the absence of any significant factors or difficulties preventing the effective implementation of the Covenant in Switzerland.

D. Principal subjects of concern

9. The Committee recognizes that the State party's federal structure requires that certain rights be provided for by the Cantons, nevertheless it reaffirms the Committee's position that it is the legal responsibility of the Federal Government to ensure the implementation of the Covenant.

10. The Committee disagrees with the position of the State party that provisions of the Covenant constitute principles and programmatic objectives rather than legal obligations, and that consequently the provisions of the Covenant cannot be given legislative effect. The Committee does not share the view of the Swiss authorities and recalls that in its General Comment No. 3 of 1990 on the nature of States parties' obligations under article 2 of the Covenant, it refers to a number of provisions in the Covenant, such as those of article 8 on the right to strike and those of article 13 on the right to education, which seem to be capable of immediate application within the judicial system. The Committee is of the view that any suggestion that the above-mentioned provisions are inherently non-self-executing seems to be difficult to sustain.

11. The Committee expresses concern at the situation in the State party where certain Covenant rights are not constitutionally recognized, i.e the right to work, to education and to culture. In the Committee's view, the freedom to exercise a lucrative activity is not synonymous or co-terminous with the right to work. In this respect, the Committee regrets that

implementation of these rights has to be sought by individuals before the Courts, whereas they should be constitutionally recognized.

12. The Committee notes that despite the high level of development reached by Switzerland and the strength of its economy, there exist unacceptable levels of poverty among certain segments of the population, in particular among women.

13. The Committee, while noting that draft legislation concerning the right to strike by civil servants is to be put to popular vote, regrets that this right still remains restricted for civil servants. The Committee further notes with concern that the reform of the statute on civil servants currently under way providing for the privatization of certain public service, at the federal, cantonal and communal levels, might infringe upon the acquired rights of civil servants, as recognized under the Covenant.

14. The Committee is concerned at the non-ratification by the State party of ILO Conventions Nos. 98 and 174.

15. The Committee notes that despite the constitutionalization of the right to maternity benefits, the Parliament has not yet recognized this right. This does not, in the Committee's view, satisfy the requirements of article 10 that pregnant women should be entitled to adequate social security benefits.

16. The Committee takes the view that despite the existence of legislation providing protection against discrimination, de facto discrimination against women and ethnic minorities continues to exist.

17. The Committee notes with concern that, in many areas, such as access to higher education, access to posts of responsibility and equal remuneration for work of equal value, equality between men and women has not yet been achieved in practice.

18. The Committee regrets the relatively high proportion of women in lower paid jobs and among part-time and "on-call" workers, and also the comparatively low proportion of women in higher education.

19. The Committee notes with concern the high incidence of domestic violence against women, which the State party has estimated at 110,000 cases per year. It regrets that the lack of more detailed statistics has not allowed the Committee to obtain a clear picture of the situation in the State party in this respect.

20. The Committee also regrets that the available statistical data on violence against women and child abuse, including paedophilia, have not been analysed and used to formulate measures to address these problems. It regrets that this lack of information has prevented both the Government and the Committee from appreciating the extent of these problems.

21. The Committee is concerned that the State party's report lacks any information on the mental health of the population as a whole and on the health of mental patients in particular.

22. The Committee regrets the silence of the report on abortion and the incidence of diseases particular to women.

23. The Committee expresses its concern that the ongoing reform of the social security system may have adverse consequences for the underprivileged sectors of society.

24. The Committee notes with concern the high costs of health services in Switzerland that are administered by private companies, which must be paid for in full by both workers and pensioners, to the consequential detriment of their standard of living.

E. Suggestions and recommendations

25. The Committee suggests that the State party take appropriate steps to give full legal effect to the Covenant, so that the rights covered by it may be fully integrated into the legal system.

26. The Committee recommends that the cantonal laws should be further harmonized, to ensure due respect for the provisions of the Covenant, particularly with regard to fundamental rights such as the right to work, education and culture.

27. The Committee recommends that the State party accord equal treatment to both International Human Rights Covenants in terms of their domestic legal status and that if measures are taken to incorporate civil and political rights treaty obligations consideration be given to similar measures in relation to economic, social and cultural rights.

28. The Committee recommends that the draft legislation concerning the right of civil servants to strike be adopted as soon as possible, in line with the State party's obligations under article 8, paragraph 2, of the Covenant.

29. The Committee also recommends that any modification to the statute on civil servants be formulated in such a way as to safeguard the acquired rights of civil servants, as guaranteed in the Covenant.

30. The Committee further recommends early ratification of ILO Conventions Nos. 98 and 174.

31. The Committee recommends that adequate social security protection be provided to pregnant women and recent mothers. The Committee further emphasizes the importance of educational campaigns to develop awareness of the problem of discrimination and recommends that all possible measures be taken, in particular at the social infrastructure level, to make it easier for women who wish to work outside the home to do so.

32. The Committee recommends that the State party intensify its efforts to guarantee men and women equal access to employment and equal wages for work of equal value.

33. The Committee recommends that the State party play a more active role in promoting equal access to higher education for women, immigrants and ethnic minorities.

34. The Committee requests the State party to provide up-to-date information in its next report on measures taken to combat the phenomenon of domestic violence and that of paedophilia.

35. The Committee also requests the State party to provide more detailed information in its next report on the situation of the mental health of the population and in particular of mental patients in the country and on progress achieved in this field.

36. The Committee recommends that the State party, in accordance with article 12, paragraph 3 (d), of the Covenant, review its systems of health care to prevent the high costs of these from having a negative effect on the standard of living of families, which is incompatible with article 11, paragraph 1 of the Covenant.

37. The Committee requests the State party to disseminate its concluding observations widely among all levels of society and to inform the Committee on all steps taken to implement them. It also urges the Government to consult with non-governmental organizations in the preparation of the second periodic report.

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COMMITTEE ON ECONOMIC, SOCIAL
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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee
on Economic, Social and Cultural Rights

CANADA

1. The Committee considered the third periodic report of Canada on the rights covered by articles 1 to 15 of the Covenant (E/1994/104/Add.14) at its 46th to 48th meetings, held on 26 and 27 November 1998, and adopted, at its 57th meeting, held on 4 December 1998, the following concluding observations.

A. Introduction

2. The Committee expresses its appreciation to the Government of Canada for the submission of its detailed and extensive report, which generally follows the Committee's reporting guidelines, and for the comprehensive written answers to its list of issues. The Committee notes that, while the delegation was composed of a significant number of experts, too many questions failed to receive detailed or specific answers. Moreover, in the light of the federal structure of Canada and the extensive provincial jurisdiction, the absence of any expert particularly representing the largest provinces, other than Quebec, significantly limited the potential depth of the dialogue on key issues. The Committee notes with satisfaction that the Government of Canada engaged in extensive consultation with non-governmental organizations (NGOs) in the preparation of the report, that it submitted a core document (HRI/CORE/1/Add.91) and that it provided supplementary information during the consideration of the report.

B. Positive aspects

3. The Committee notes that, for the past five years, Canada has been ranked at the top of the United Nations Development Programme's Human Development Index (HDI). The HDI indicates that, on average, Canadians enjoy a singularly high standard of living and that Canada has the capacity to achieve a high level of respect for all Covenant rights. That this has not yet been achieved is reflected in the fact that UNDP Human Poverty Index ranks Canada tenth on the list of the industrialized countries.

4. The Committee notes with satisfaction that the Supreme Court of Canada has not followed the decisions of a number of lower courts and has held that section 15 (equality rights) of the Canadian Charter of Rights and Freedoms (the Charter) imposes positive obligations on governments to allocate resources and to implement programmes to address social and economic disadvantage, thus providing effective domestic remedies under section 15 of the Charter for disadvantaged groups.

5. The Committee notes with satisfaction that the Federal Government has acknowledged, in line with the interpretation adopted by the Supreme Court, that section 7 of the Charter (liberty and security of the person) guarantees the basic necessities of life, in accordance with the Covenant.

6. The Committee notes with satisfaction that the Human Rights Tribunal in Quebec has, in a number of decisions, taken the Covenant into consideration in interpreting Quebec's Charter of Rights, especially in relation to labour rights.

7. The Committee notes that, in recognition of the serious issues affecting Aboriginal peoples in Canada, the Government appointed the Royal Commission on Aboriginal Peoples (RCAP), which released a wide-ranging report in 1996 addressing many of the rights enshrined in the Covenant.

8. The Committee welcomes the reinstatement by the Federal Government of the Court Challenges Program, as recommended by the Committee while reviewing the State Party's previous report.

9. The Committee welcomes the Canadian Human Rights Commission's statement about the inadequate protection and enjoyment of economic and social rights in Canada and its proposal for the inclusion of those rights in human rights legislation, as recommended by the Committee in 1993.

10. The Committee views as a positive development the high percentage of women attending university and their increasing access to the liberal professions traditionally dominated by men. The Committee notes that Canada has one of the highest percentages of population having completed post-secondary education and one of the highest percentages of GDP devoted to post-secondary education in the world.

C. Factors and difficulties impeding the implementation of the Covenant

11. The Committee notes that since 1994, in addressing the budget deficits by slashing social expenditure, the State Party has not paid sufficient attention to the adverse consequences for the enjoyment of economic, social and cultural rights by the Canadian population as a whole, and by vulnerable groups in particular.

12. The Committee heard ample evidence from the State Party suggesting that Canada's complex federal system presents obstacles to the implementation of the Covenant in areas of provincial jurisdiction. The Committee regrets that, unless a right under the Covenant is implicitly or explicitly protected by the Charter through federal-provincial agreements, or incorporated directly in provincial law, there is no legal redress available to either an aggrieved individual or the Federal Government where provinces have failed to implement the Covenant. The State Party's delegation emphasized the importance of political processes in this regard, but noted that they were often complex.

13. While the Government of Canada has consistently used Statistics Canada's "Low income cut-off" as a measure of poverty when providing information to the Committee about poverty in Canada, it informed the Committee that it does not accept the low income cut-off as a poverty line, although it is widely used by experts to consider the extent and depth of poverty in Canada. The absence of an official poverty line makes it difficult to hold the federal, provincial and territorial governments accountable with respect to their obligations under the Covenant.

D. Principal subjects of concern

14. The Committee has received information about a number of cases in which claims were brought by people living in poverty (usually women with children) against government policies which denied the claimants and their children adequate food, clothing and housing. Provincial governments have urged upon their courts in these cases an interpretation of the Charter which would deny any protection of Covenant rights and consequently leave the complainants without the basic necessities of life and without any legal remedy.

15. The Committee is deeply concerned at the information that provincial courts in Canada have routinely opted for an interpretation of the Charter which excludes protection of the right to an adequate standard of living and other Covenant rights. The Committee notes with concern that the courts have taken this position despite the fact that the Supreme Court of Canada has stated, as has the Government of Canada before this Committee, that the Charter can be interpreted so as to protect these rights.

16. The Committee is also concerned about the inadequate legal protection in Canada of women's rights which are guaranteed under the Covenant, such as the absence of laws requiring employers to pay equal remuneration for work of equal value in some provinces and territories, restricted access to civil legal aid, inadequate protection from gender discrimination afforded by human rights laws and the inadequate enforcement of those laws.

17. The Committee is greatly concerned at the gross disparity between Aboriginal people and the majority of Canadians with respect to the enjoyment of Covenant rights. There has been little or no progress in the alleviation of social and economic deprivation among Aboriginal people. In particular, the Committee is deeply concerned at the shortage of adequate housing, the endemic mass unemployment and the high rate of suicide, especially among youth, in the Aboriginal communities. Another concern is the failure to provide safe and adequate drinking water to Aboriginal communities on reserves. The delegation of the State Party conceded that almost a quarter of Aboriginal household dwellings required major repairs and lacked basic amenities.

18. The Committee views with concern the direct connection between Aboriginal economic marginalization and the ongoing dispossession of Aboriginal people from their lands, as recognized by RCAP, and endorses the recommendations of RCAP that policies which violate Aboriginal treaty obligations and the extinguishment, conversion or giving up of Aboriginal rights and title should on no account be pursued by the State Party. The Committee is greatly concerned that the recommendations of RCAP have not yet been implemented, in spite of the urgency of the situation.

19. The replacement of the Canada Assistance Plan (CAP) by the Canada Health and Social Transfer (CHST) entails a range of adverse consequences for the enjoyment of Covenant rights by disadvantaged groups in Canada. The Government informed the Committee in its 1993 report that CAP set national standards for social welfare, required that work by welfare recipients be freely chosen, guaranteed the right to an adequate standard of living and facilitated court challenges of federally-funded provincial social assistance programmes which did not meet the standards prescribed in the Act. In contrast, CHST has eliminated each of these features and significantly reduced the amount of cash transfer payments provided to the provinces to cover social assistance. It did, however, retain national standards in relation to health, thus denying provincial "flexibility" in one area, while insisting upon it in others. The delegation provided no explanation for this inconsistency. The Committee regrets that, by according virtually unfettered discretion to provincial governments in relation to social rights, the Government of Canada has created a situation in which Covenant standards can be undermined and effective accountability has been radically reduced. The Committee also recalls in this regard paragraph 9 of General Comment No. 3.

20. The Committee is concerned that newly-introduced successive restrictions on unemployment insurance benefits have resulted in a dramatic drop in the proportion of unemployed workers receiving benefits to approximately half of previous coverage, in the lowering of benefit rates, in reductions in the length of time for which benefits are paid and in increasingly restricted access to benefits for part-time workers. While the new programme is said to provide better benefits for low-income families with children, the fact is that fewer low-income families are eligible to receive any benefits at all. Part-time, young, marginal, temporary and seasonal workers face more restrictions and are frequently denied benefits, although they contribute significantly to the fund.

21. The Committee received information to the effect that cuts of about 10 per cent in social assistance rates for single people have been introduced in Manitoba; 35 per cent in those for single people in Nova Scotia; and 21.6 per cent in those for both families and single people in Ontario. These cuts appear to have had a significantly adverse impact on vulnerable groups, causing increases in already high levels of homelessness and hunger.

22. The Committee notes with concern that, in all but two provinces (New Brunswick and Newfoundland), the National Child Benefit (NCB) introduced by the Federal Government, which is meant to be given to all children of low-income families, is in fact only given to children of working poor parents since the provinces are allowed by the Federal Government to deduct the full amount of NCB from the amount of social assistance received by parents on welfare.

23. The Committee notes with grave concern that with the repeal of CAP and cuts in social assistance rates, social services and programmes have had a particularly harsh impact on women, in particular single mothers, who are the majority of the poor, the majority of adults receiving social assistance and the majority among the users of social programmes.

24. The Committee is gravely concerned that such a wealthy country as Canada has allowed the problem of homelessness and inadequate housing to grow to such proportions that the mayors of Canada's 10 largest cities have now declared homelessness a national disaster.

25. The Committee is concerned that provincial social assistance rates and other income assistance measures have clearly not been adequate to cover rental costs of the poor. In the past five years, the number of tenants paying more than 50 per cent of their income towards rent has increased by 43 per cent.

26. The Committee is concerned that in both Ontario and Quebec, governments have adopted legislation to redirect social assistance payments directly to landlords without the consent of recipients, despite the fact that the Quebec Human Rights Commission and an Ontario Human Rights Tribunal have found this treatment of social assistance recipients to be discriminatory.

27. The Committee expresses its grave concern at learning that the Government of Ontario proceeded with its announced 21.6 per cent cuts in social assistance in spite of claims that this would force large numbers of people from their homes.

28. The Committee is concerned that the significant reductions in provincial social assistance programmes, the unavailability of affordable and appropriate housing and widespread discrimination with respect to housing create obstacles to women escaping domestic violence. Many women are forced, as a result of those obstacles, to choose between returning to or staying in a violent situation, on the one hand, or homelessness and inadequate food and clothing for themselves and their children, on the other.

29. The Committee notes that Aboriginal women living on reserves do not enjoy the same right as women living off reserves to an equal share of matrimonial property at the time of marriage breakdown.

30. The Committee notes with concern that at least six provinces in Canada (including Quebec and Ontario) have adopted "workfare" programmes that either tie the right to social assistance to compulsory employment schemes or reduce the level of benefits when recipients, who are usually young, assert their right to choose freely what type of work they wish to do. In many cases, these programmes constitute work without the protection of fundamental labour rights and labour standards legislation. The Committee further notes that in the case of the Province of Quebec, those workfare schemes are implemented despite the opinion of the Human Rights Commission and the decisions of the Human Rights Tribunal that those programmes constitute discrimination based on social status or age.

31. The Committee notes that Bill 22, entitled "An act to prevent unionization", was adopted by the Ontario Legislative Assembly on 24 November 1998. The Act denies to workfare participants the rights to join a trade union, to bargain collectively and to strike. In response to a request from the Committee, the Government provided no information in relation to the compatibility of the Act with the Covenant. The Committee considers the Act to be a clear violation of article 8 of the Covenant and calls upon the State Party to take measures to repeal the offending provisions.

32. The Committee is concerned that the minimum wage is not sufficient to provide an adequate standard of living for a worker and his or her family.

33. The Committee is perturbed to hear that the number of food banks almost doubled between 1989 and 1997 in Canada and that they are able to meet only a fraction of the increased needs of the poor.

34. The Committee is concerned that the State Party did not take into account the Committee's 1993 major concerns and recommendations when it adopted policies at federal, provincial and territorial levels which exacerbated poverty and homelessness among vulnerable groups during a time of strong economic growth and increasing affluence.

35. The Committee is concerned at the crisis level of homelessness among youth and young families. According to information received from the National Council of Welfare, over 90 per cent of single mothers under 25 live in poverty. Unemployment and under-employment rates are also significantly higher among youth than among the general population.

36. The Committee is also concerned about significant cuts in services on which people with disabilities rely, such as cuts in home care, attendant care and special needs transportation systems, and tightened eligibility rules for people with disabilities. Programmes for people who have been discharged from psychiatric institutions appear to be entirely inadequate. Although the Government failed to provide to the Committee any information

regarding homelessness among discharged psychiatric patients, the Committee was told that a large number of those patients end up on the street, while others suffer from inadequate housing, with insufficient support services.

37. The Committee views with concern the plight of thousands of "Convention refugees" in Canada, who cannot be given permanent resident status for a number of reasons, including the lack of identity documents, and who cannot be reunited with their families for a period of five years.

38. The Committee views with concern that 20 per cent of the adult population in Canada is functionally illiterate.

39. The Committee is concerned that loan programmes for post-secondary education are available only to Canadian citizens and permanent residents and that recognized refugees who do not have permanent residence status, as well as asylum seekers, are ineligible for these loan programmes. The Committee views also with concern the fact that tuition fees for university education in Canada have dramatically increased in the past few years, making it very difficult for those in need to attend university in the absence of a loan or grant. A further subject of concern is the significant increase in the average student debt on graduation.

E. Suggestions and recommendations

40. The Committee recommends that the State Party consider re-establishing a national programme with specific cash transfers for social assistance and social services that includes universal entitlements and national standards and lays down a legally enforceable right to adequate assistance for all persons in need, a right to freely choser work, a right to appeal and a right to move freely from one job to another.

41. The Committee urges the State Party to establish officially a poverty line and to establish social assistance at levels which ensure the realization of an adequate standard of living for all.

42. The Committee recommends that federal and provincial agreements should be adjusted so as to ensure, in whatever ways are appropriate, that services such as mental health care, home care, child care and attendant care, shelters for battered women and legal aid for non-criminal matters, are available at levels that ensure the right to an adequate standard of living.

43. The Committee calls upon the State Party to act urgently with respect to the recommendations of RCAP. The Committee also calls upon the State Party to take concrete and urgent steps to restore and respect an Aboriginal land and resource base adequate to achieve a sustainable Aboriginal economy and culture.

44. The Committee recommends that the National Child Benefit Scheme be amended so as to prohibit provinces from deducting the benefit from social assistance entitlements.

45. The Committee recommends that Canada's Employment Insurance Programme be reformed so as to provide adequate coverage for all unemployed workers in an amount and for a duration which fully guarantees their right to social security.

46. The Committee recommends that the federal, provincial and territorial governments address homelessness and inadequate housing as a national emergency by reinstating or increasing, as the case may be, social housing programmes for those in need, improving and properly enforcing anti-discrimination legislation in the field of housing, increasing shelter allowances and social assistance rates to realistic levels, providing adequate support services for persons with disabilities, improving protection of security of tenure for tenants and improving protection of affordable rental housing stock from conversion to other uses. The Committee urges the State party to implement a national strategy for the reduction of homelessness and poverty.

47. The Committee calls upon the State party, in consultation with the communities concerned, to address the situation described in paragraph 29 with a view to ensuring full respect for human rights.

48. The Committee recommends that the Government of Canada take additional steps to ensure the enjoyment of economic and social rights for people with disabilities, in accordance with the Committee's General Comment No. 5.

49. The Committee urges the Government to develop and expand adequate programmes to address the financial obstacles to post-secondary education for low-income students, without any discrimination on the basis of citizenship status.

50. The Committee urges the federal, provincial and territorial governments to adopt positions in litigation which are consistent with their obligation to uphold the rights recognized in the Covenant.

51. The Committee again urges federal, provincial and territorial governments to expand protection in human rights legislation to include social and economic rights and to protect poor people in all jurisdictions from discrimination because of social or economic status. Moreover, enforcement mechanisms provided in human rights legislation need to be reinforced to ensure that all human rights claims not settled through mediation are promptly determined before a competent human rights tribunal, with the provision of legal aid to vulnerable groups.

52. The Committee, as in its review of the previous report of Canada, reiterates that economic and social rights should not be downgraded to "principles and objectives" in the ongoing discussions between the Federal Government and the provinces and territories regarding social programmes. The Committee consequently urges the Federal Government to take concrete steps to ensure that the provinces and territories are made aware of their legal obligations under the Covenant and that the Covenant rights are enforceable within the provinces and territories through legislation or policy measures and the establishment of independent and appropriate monitoring and adjudication mechanisms.

53. The Committee encourages the State Party to adopt the necessary measures to ensure the realization of women's economic, social and cultural rights, including the right to equal remuneration for work of equal value.

54. The Committee also recommends that a greater proportion of federal, provincial and territorial budgets be directed specifically to measures to address women's poverty and the poverty of their children, affordable day care, and legal aid for family matters. Measures that will establish adequate support for shelters for battered women, care-giving services and women's non-governmental organizations should also be implemented.

55. The Committee urges the federal, provincial and territorial governments to review their respective "workfare" legislation in order to ensure that none of the provisions violate the right to work freely chosen and other labour standards, including the minimum wage, rights which are not only guaranteed by the Covenant but also by the relevant ILO conventions on fundamental labour rights and labour standards.

56. The Committee calls upon the federal, provincial and territorial governments to give even higher priority to measures to reduce the rate of functional illiteracy in Canada.

57. The Committee recommends that the State Party request the Canadian Judicial Council to provide all judges with copies of the Committee's concluding observations and encourage training for judges on Canada's obligations under the Covenant.

58. The Committee also recommends that since there is generally in Canada a lack of public awareness about human rights treaty obligations, the general public, public institutions and officers at all levels of Government should be made aware by the State Party of Canada's human rights obligations under the Covenant. In this regard, the Committee wishes to make specific reference to its General Comment No. 9 on the domestic application of the Covenant.

59. The Committee recommends that the Federal Government extend the Court Challenges Programme to include challenges to provincial legislation and policies which may violate the provisions of the Covenant.

60. Finally, the Committee requests the State Party to ensure the wide dissemination in Canada of the present concluding observations and to inform the Committee of steps taken to implement these recommendations in its next periodic report.

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee on
Economic, Social and Cultural Rights

ICELAND

1. The Committee considered the second periodic report of Iceland on the implementation of the Covenant on Economic, Social and Cultural Rights (E/1990/6/Add.15) at its 3rd to 5th meetings (twentieth session), held on 27 and 28 April 1999, and adopted, at its 20th meeting held on 7 May 1999, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the second periodic report of the State party, as well as its written replies to the list of issues presented by a delegation comprised of officials of various ministries. The Committee welcomes, in particular, the frank and constructive dialogue with the delegation and its readiness to reply to additional questions and to furnish additional information, whenever available. The State party's report was generally in conformity with the guidelines established by the Committee.

B. Positive aspects

3. The Committee welcomes the establishment of the Icelandic Human Rights Centre, which indicates the State party's respect for and dedication to the advancement of human rights.

4. The Committee welcomes the State party's efforts to further the goal of the implementation of gender equality and fuller participation of women in public affairs. It welcomes the Act on the Equal Status of Women and Men, which paved the way for special equal-status programmes such as the Action Programme, 1998-2001, which attempts to eliminate traditional obstacles to equality. The Committee welcomes the State party's acknowledgement that formal or legal equality is not sufficient if it does not result in real equality between both sexes in practice. It notes, in particular, that an important objective of the Government of Iceland is to work against wage disparities based on gender.

5. The Committee takes note of the Act on the Rights of Patients and the Act on a Health Sector Database which, it was informed, is in harmony with the Patients Rights Act. It also notes the establishment of the Special Council on Nutrition within the Ministry of Public Health, and the establishment of the Council for Alcohol and Drug Prevention. In particular, it notes, in this connection, the programme called "Drugless Iceland by 2002". It also notes the enactment of the Act on Compulsory Education in 1995, which shifted control of educational facilities from central to local government, with a view to improving the quality of education.

6. The Committee notes the State party's intention to amend Act No. 133/1994 on the Right of Foreigners to Work in Iceland, which amendment, if adopted, will eliminate the discrimination currently existing between nationals of European Economic Area (EEA) countries and those of other countries, as well as the discrimination between spouses of nationals of EEA countries and those of non-EEA countries.

7. With respect to the right to social security, the Committee notes the assertion by the State party that persons belonging to EEA countries enjoy the special privilege of obtaining work permits, unemployment benefits and social security benefits for their spouses or children who are non-EEA citizens. In addition, refugees admitted to Iceland not only have the right to obtain work permits but, unlike non-EEA citizens, are not subject to a six-month waiting period before acquiring entitlement to health-care benefits.

8. With regard to the problem of domestic violence, the Committee welcomes the programmes established by the State party to alleviate the situation of battered women and to prevent acts of violence. In addition, the Committee commends the State party for its anti-alcohol, anti-drugs and anti-smoking campaigns.

9. The Committee notes with satisfaction that Icelandic non-governmental organizations play an important role in furthering the cause of human rights and that they are consulted on a regular basis. In particular, it notes the role of an NGO called The Association for the Elderly in maintaining a useful position for that age group in Icelandic society.

C. Factors and difficulties impeding the implementation of the Covenant

10. The Committee notes that there are no factors or difficulties impeding the implementation of the Covenant in Iceland.

D. Principal subjects of concern

11. It notes a certain complacency with respect to the non-incorporation of the Covenant in domestic legislation in the near future.

12. The Committee regrets that the International Covenant on Economic, Social and Cultural Rights has not been incorporated in domestic legislation, despite the State party's affirmation that different rights contained in the Covenant have been incorporated in various legislative Acts. It notes with regret that the rights in the Covenant have not been invoked before the courts.

13. The Committee notes that the State party has enacted many laws which have not been fully implemented in practice, as exemplified by the remaining gap in remuneration for equal work between men and women, even in the public sector. In addition, the Equal Status Complaints Committee, which is only entitled to make recommendations and present cases to court, was not considered to be the best venue for victims of discrimination.

14. The Committee is deeply concerned that juvenile violence against children is on the increase and it suggests that a possible link exists between this increase in juvenile violence in general and the increasing use of alcohol and drugs by schoolchildren and juveniles.

15. The Committee is concerned at the lack of family solidarity and the increasing resort to foster homes. It is a matter of concern that children leave their nuclear families and have to be brought up in temporary or permanent foster homes, which may give rise to problems of custody, homelessness and delinquency. It also increases the danger of this category of abandoned children falling victim to alcohol and drug addiction.

16. The Committee notes with concern that, according to information supplied by the University of Iceland, 10 per cent of the population live below the poverty line, and notes the lack of a persuasive explanation by the delegation in this regard. It notes that the problem of poverty particularly affects single parents, parents with children, farmers, students and household workers. The State party's social welfare expenditure appears to be insufficient to help those vulnerable groups, despite the State party's relative affluence and resources.

17. The Committee notes with concern the high rate at which young people drop out of upper secondary education, a situation for which the delegation could not provide a satisfactory explanation. In addition, the Committee notes that 60 per cent of university graduates are female, and only 40 per cent male, which is explained by the fact that most males receive vocational training in secondary school and are determined to pursue a trade rather than a university education. It is not yet clear whether or not the transfer of control over schools from the central Government to the municipalities will lead to widening disparities between affluent and less affluent municipalities.

E. Suggestions and recommendations

18. The Committee reiterates its previous recommendation that if measures are taken to incorporate civil and political rights treaty obligations in the Icelandic legal system, similar measures should be taken simultaneously in respect of economic, social and cultural rights. The Committee requests the State party to provide, in its next periodic report, information and specific relevant case law on the application of the Covenant. The Committee also requests that information be provided on an overall government plan to implement and to indicate progress achieved in implementing economic, social and cultural human rights. In that connection, the Committee draws the attention of the State party to its General Comment No. 9 on domestic application of the Covenant.

19. The Committee suggests that the State party review and strengthen its institutional arrangements, within the government administration, which are designed to ensure that its obligations under the Covenant are taken into account, at an early stage, in the Government's formulation of national policy on issues such as social welfare, housing, health and education.

20. The Committee encourages the State party to increase its social welfare expenditures so as to strengthen its health and social welfare centres around the country. The Committee recommends the development of a social indicator model of drug and alcohol abuse and its treatment. It recommends, in addition, the elaboration of educational and social programmes to deal with problems of the victims of alcohol and drug abuse on a long-term basis.

21. The Committee recommends that the State party study in greater depth the poverty situation with respect to single parents, couples with children, students, farmers and disabled pensioners, with a view to extricating them from their present financial difficulties.

22. The Committee recommends that the State party present in its next periodic report an overall government plan aimed at alleviating the difficulties of the State party's vulnerable "poverty population", as well as a progress report on its achievements in this field.

23. The Committee requests the State party to ensure the wide dissemination of its present concluding observations and to inform the Committee of steps taken to implement these recommendations in its next periodic report.

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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLES 16 AND 17 OF THE COVENANT - NON-REPORTING STATES

Concluding observations of the Committee on Economic,
Social and Cultural Rights

SOLOMON ISLANDS

1. The Committee considered the state of implementation by Solomon Islands of the economic, social and cultural rights contained in the Covenant at its 9th meeting held on 30 April 1999 (twentieth session) and adopted, at its 24th meeting, held on 11 May 1999, the following concluding observations.

A. Introduction

2. At its seventh session, the Committee on Economic, Social and Cultural Rights decided to proceed to a consideration of the state of implementation of the International Covenant on Economic, Social and Cultural Rights in a number of States parties which, despite many requests to do so, had not fulfilled their reporting obligations under articles 16 and 17 of the Covenant.

3. The purpose of the reporting system established by the Covenant is for the States parties to report to the competent monitoring body, the Committee on Economic, Social and Cultural Rights, and through it to the Economic and Social Council, on the measures which have been adopted, the progress made, and the difficulties encountered in complying with the rights recognized in the Covenant. Non-performance by a State party of its reporting obligations, in addition to constituting a breach of the Covenant, creates a severe obstacle to the fulfilment of the Committee's functions. Nevertheless, the Committee has to perform its supervisory role in such a case and must do so on the basis of all reliable information available to it.

4. Hence, in situations where a Government has not supplied the Committee with any information as to its compliance with its obligations under the Covenant, the Committee has to base its observations on a variety of materials stemming from both intergovernmental and non-governmental sources. While the former provide mainly statistical information and important economic and social indicators, the information gathered from the relevant academic literature, from non-governmental organizations and from the press tends, by its very nature, to be more critical of the political, economic and social conditions in the countries concerned. Under normal circumstances, the constructive dialogue between a reporting State party and the Committee will provide an opportunity for the Government to voice its own views, and to seek to refute any criticism and convince the Committee of the conformity of its policy with the requirements of the Covenant. Consequently, if a State party does not submit a report and does not appear before the Committee, it deprives itself of the possibility of setting the record straight.

5. While fully understanding the difficulties Solomon Islands encounters in complying with its reporting obligations under the Covenant, the Committee recalls that Solomon Islands has been a party to the International Covenant on Economic, Social and Cultural Rights since 17 March 1982 and, since then, has not submitted its initial report. The Committee therefore invites the State party to make all possible efforts to fulfil its reporting obligations in order to establish a constructive dialogue with the Committee.

6. Bearing in mind the exceptionally difficult general situation of Solomon Islands, the Committee deems it necessary to confine its concluding observations to an assessment of the deliberations of the Committee at its current session with respect to the current status of economic, social and cultural rights in Solomon Islands. The Committee further considers that, given the limited sources of information available to the Committee, as well as the need for technical assistance to be offered to the State party to enable it to comply with its reporting obligations, the Committee's concluding observations can only be very preliminary in nature.

B. Factors and difficulties impeding the implementation of the Covenant

7. The Committee stresses that, in evaluating the implementation by the Government of Solomon Islands of the International Covenant on Economic, Social and Cultural Rights, due attention has to be paid to the political, economic and social conditions prevailing in the country at the present time. In particular, the Committee takes note of the fact that Solomon Islands has experienced several severe economic and financial crises in the 1990s, deeply affecting the scope of its governmental choices of action.

8. The Committee notes that Solomon Islands is one of the least developed countries in the Western Pacific region, a region which, in per capita terms, ranks among the recipients of the highest amount of aid in the world. Poverty is widespread, especially in the rural areas where about 80 per cent of the population live. According to a 1997 joint report of the United Nations Development Programme and the United Nations Population Fund, there is a large discrepancy as regards income distribution between the urban and rural areas.

The great majority of the people survive on less than US$ 300 annually. Solomon Islands ranked 123rd out of 174 countries in the 1998 UNDP human development index.

9. The Committee takes into account the severely detrimental effects of the Asian financial crisis on the economy of Solomon Islands, which is largely based on the export of timber, copra, palm oil and cocoa. The economy thus is extremely sensitive to changes in world demand for such products. The price collapse in the market for round logs which resulted from the financial crisis in Japan, the Republic of Korea and the Philippines, the major importing countries of Solomon Islands logs, not only brought logging almost to a standstill in 1997, but also led to a serious decline in government revenue, up to 40 per cent of which accrues from forestry. The revenues from its fisheries (tuna), the second main natural resource of Solomon Islands, have also dwindled as a result of the Asian economic crisis.

10. The Committee takes note of the fact that the major share of the country's natural resources is exploited by foreign companies which pay low taxes, if any, to the Government and, by taking most of the profits abroad, leave only few benefits to Solomon Islands. Moreover, the range of macroeconomic measures available to the Government is considerably restrained by the State party's debt-servicing obligations vis-à-vis creditor countries, as well as by the stringent loan conditions imposed by the Asian Development Bank, the International Monetary Fund and the World Bank.

C. Positive aspects

11. The Committee welcomes the laudable efforts of the newly elected Government to establish the foundations of sustainable economic growth. In particular, the Committee encourages the Government to put its plans to review the forestry sector in practice by drawing on the expertise of external specialists, and to adopt measures aiming at the monitoring of that sector.

12. The Committee notes that the Constitution, in section 13, recognizes the right of workers to form or belong to trade unions and that the domestic courts have confirmed these rights. While it is true that only 10 to 15 per cent of the population are employed in the formal sector, the Committee observes that approximately 60 to 70 per cent of wage earners are organized in unions.

13. The Committee welcomes the fact that the Constitution of Solomon Islands prohibits forced labour, including forced and bonded labour by children, and that this prohibition seems to be observed. The Committee notes that laws have been enacted to protect children under the age of 12 from heavy work, to bar children under the age of 15 from work in industry or on ships, and to prohibit the employment of children under the age of 18 for work underground or in mines.

14. The Committee notes with appreciation that the Government of Solomon Islands considers health an important priority, which is reflected in the high percentage of the national budget that has been allocated to health. Basic health services are free and the Government has taken significant steps to address health problems of the population in cooperation with foreign

donors, as well as specialized agencies such as the World Health Organization (WHO). Despite the still very high incidence of malaria (a total of more than 120,000 cases in 1993, according to a WHO estimate) specifically affecting agricultural workers, improvements have been made in combating diseases such as diarrhoea, acute respiratory diseases and malaria. The Committee acknowledges that the State party's immunization programme has resulted in a low incidence of diseases preventable by immunization, such as measles, diphtheria, pertussis and tetanus. The improving health-care system has contributed to a significant increase in life expectancy, which, according to some estimates, exceeds 70 years.

15. The Committee takes note of the fact that the unique kastom and wantok culture of the population has to date been largely kept intact. The preservation of the traditional extended family system, which is based on a strong sense of social responsibility, has absorbed a considerable part of the social repercussions caused by the recent economic crisis. The Committee also welcomes the establishment of the National Art Gallery and Cultural Centre in 1995, as well as the initiative taken by the Government of Solomon Islands, together with those of the other five Melanesian States, to organize Melanesian arts and cultural festivals on a regular basis.

D. Principal subjects of concern

16. The Committee notes with concern that, despite a constitutional non-discrimination clause and the recent adoption of a national women's policy, women remain subject to patriarchy. Although women's place and role are respected within Solomon Islands society, a fact mirrored by the tradition of matrilineal land descent, their status is nevertheless inferior to that of men. As a consequence, women have limited access to the political and economic life of the country. As indicated in the UNDP Human Development Report 1998, women comprise only 3 per cent of administrators and managers and 27 per cent of professional and technical employees. Furthermore, women do not hold any government positions at the ministerial or sub-ministerial level; merely one of the 47 members of Parliament is female.

17. The Committee expresses its concern about the rise in unemployment, which has played a major role in stirring up civil strife in the country.

18. Whereas the Committee is fully aware that Solomon Islands is severely affected by financial constraints caused by the current economic crisis, it nevertheless recalls that the recent downsizing of the public sector, which accounts for almost one third of wage employment, has had significant social repercussions. The Committee further notes that access to employment in the formal sector is particularly limited for disabled persons.

19. The Committee notes with concern that the problem of domestic violence is prevalent in Solomon Islands society and is not always addressed properly by the competent authorities.

20. The Committee, while acknowledging the State party's need to raise financial resources to subsidize its economic reform and development programme, expresses its concern about the Government's plans to privatize communal land with a view to making it accessible for commercial use and urban

development. The Committee recalls that approximately 90 per cent of the land in Solomon Islands is held under customary land tenure, meaning that the land belongs to the community as such rather than to individuals. The Committee would like to draw the Government's attention to the fact that the envisaged privatization of land under customary tenure may undermine the foundations of Solomon Islands society and could lead to the dispossession of the majority of people, thereby depriving them of their basic source of income. With regard to the Government's plans to privatize housing completely, the Committee is concerned that the number of homeless people in the urban areas will increase considerably.

21. The Committee notes that the State party does not give due consideration to the threats to the natural environment of Solomon Islands, caused by the practices of deforestation and overfishing, affecting the maintenance of an adequate standard of living, as guaranteed by article 11 of the Covenant.

22. The Committee notes that infant mortality remains a major cause of concern, in spite of the commendable health policies of the Government of Solomon Islands which have drastically decreased the mortality rate of children under the age of 5. According to a 1996 WHO publication, the infant mortality rate is estimated at 26.8 deaths per 1,000 live births, while, according to a 1997 UNDP and UNFPA joint report, the maternal mortality rate is as high as 550 deaths per 100,000 live births. The Committee is concerned about the low percentage of the population with access to adequate sanitation (only 9 per cent of the rural population) and to safe drinking water available in the home or within reasonable access (63 per cent of the entire population), as indicated in a 1996 WHO publication. The Committee recalls that the lack of adequate sanitation facilities directly adds to the severe malaria problem affecting more than one third of the population.

23. While noting that the lack of financial resources due to the prevailing economic crisis in Solomon Islands leaves little scope to the State party for providing adequate educational services, the Committee nevertheless is concerned about the absence of compulsory primary education in Solomon Islands, with merely 60 per cent of school age children having access to primary education. The Committee would consequently like to draw the attention of the Government to its obligations under articles 13, paragraph 2 (a) and 14 of the Covenant, which stipulate that primary education shall be compulsory and free of charge, and to its General Comment No. 11 "Plans of action for primary education (article 14 of the International Covenant on Economic, Social and Cultural Rights)". In particular, the Committee expresses its concern about the low literacy rate among adults, and especially among women. In the UNDP Human Development Report 1998, adult literacy is estimated to be as low as 23 per cent, which again is, of course, to a high degree attributable to the lack of financial resources for education.

E. Suggestions and recommendations

24. The Committee reiterates its request that the Government of Solomon Islands actively participate in a constructive dialogue with the Committee on how the obligations arising from the International Covenant on Economic, Social and Cultural Rights can be fulfilled in a more adequate

manner. It calls the Government's attention the fact that the Covenant creates a legal obligation for all States parties to submit their initial and periodic reports and that Solomon Islands has been in breach of this obligation for many years.

25. The Committee recommends that the Government of Solomon Islands avail itself of the advisory services of the Office of the United Nations High Commissioner for Human Rights, so that it may submit, as soon as possible, a comprehensive report on the implementation of the Covenant in conformity with the Committee's revised guidelines and with particular emphasis on the issues raised and concerns expressed in the present concluding observations. The Committee also encourages the Office of the High Commissioner for Human Rights, through its programme of advisory services and technical cooperation, to make expert assistance available to the Government for the purpose of formulating policies on economic, social and cultural rights and developing the implementation of coherent and comprehensive plans of action for the promotion and protection of human rights, as well as for developing adequate means of evaluating and monitoring their realization.

26. The Committee recommends that the Government of Solomon Islands undertake measures to prevent the excessive exploitation of the country's forestry and fishing resources.

27. Furthermore, the Committee suggests that the Government of Solomon Islands convene a national summit on the implementation of the International Covenant on Economic, Social and Cultural Rights, with the participation of all relevant national and international entities, such as representatives of central and local government, trade unions, local NGOs, specialized agencies and donor countries.

28. In accordance with articles 2, 1 and 23 of the International Covenant on Economic, Social and Cultural Rights, the specialized agencies are invited to supply the Committee with supplementary information and comments relevant to the status and enjoyment of economic, social and cultural rights in Solomon Islands, thereby assisting the Committee and the State party to identify appropriate measures designed to implement the Covenant in Solomon Islands. The Committee invites the State party to participate in a dialogue to be held during the Committee's twenty-first session together with representatives of the relevant specialized agencies, such as the World Bank, the International Monetary Fund, FAO, WHO, ILO, UNDP, UNICEF and UNESCO. The Committee expresses its belief that only by means of a constructive dialogue between the State party, the above institutions and the Committee can an adequate and realistic appraisal of feasible development and human rights strategies be achieved for the benefit of all citizens of Solomon Islands.

29. The Committee wishes to emphasize that the suggestions and recommendations set out in the preceding paragraphs depend for their success upon the State party's renewed commitment to fulfilling its reporting and other international legal obligations under the Covenant.